

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Charles Strow, individually and on behalf of all
others similarly situated,

Plaintiff,

– against –

B&G Foods, Inc.,

Defendant.

Case No.: 1:21-cv-05104

Judge Steven C. Seeger

**DECLARATION OF MATTHEW BORDEN IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS COMPLAINT**

I, Matthew Borden, declare:

1. I am an attorney admitted to this court *pro hac vice*. I am a partner and co-founder of the law firm of BraunHagey & Borden LLP (“BHB”), counsel of record for Defendant B&G Foods, Inc. (“B&G Foods”) in the above-captioned action. I base this declaration on facts within my personal knowledge and if called upon to testify, I could and would testify competently thereto.

2. Attached as **Exhibit 1** is a true and correct copy of excerpts from the transcript of Plaintiff Charles Strow’s December 15, 2022 deposition in this proceeding, with cited portions highlighted.

3. Attached as **Exhibit 2** is a true and correct copy of an NPR online article, dated October 30, 2021, available at <https://www.npr.org/2021/10/30/1050175655/strawberry-pop-tarts-lawyer-spencer-sheehan-vanilla-lime-food-beverage>.

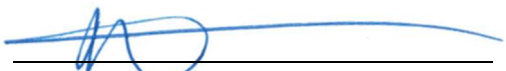
4. Attached as **Exhibit 3** is a true and correct copy of Facebook's Self-Serve Ad Terms, effective January 3, 2023 and available at

https://www.facebook.com/legal/self_service_ads_terms.

5. Attached as **Exhibit 4** is a true and correct copy of Facebook's Online Ad Targeting page, available at https://www.facebook.com/business/ads/ad-targeting?content_id=dxR17TaPLmD3Sdl&ref=sem_smb&utm_source=GOOGLE&utm_medium=fbsmbsem&utm_campaign=PFX_SEM_G_BusinessAds_US_EN_DSA_Other_Desktop&utm_content=BusinessAds_US_EN_DSA_Desktop&gclid=EAIaIQobChMIqKagxd7q_AIVMRqtBh3hfQDWEAAAYAiAAEgKo0vD_BwE&utm_term=dsa-1598818772328&utm_ct=EVG&gclid=EAIaIQobChMIqKagxd7q_AIVMRqtBh3hfQDWEAAAYAiAAEgKo0vD_BwE.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: February 8, 2023


Matthew Borden